

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1. TIA WILLIAMS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
1. CHRISTOPHER RATHGEBER, an individual;	)	Case No. 21-cv-00048-GKF-JFJ
2. TERESA ANNETT SMITH, an individual; and	)	
3. EAN HOLDINGS, LLC, a foreign limited liability	)	
company, d/b/a ENTERPRISE RENT-A-CAR,	)	
d/b/a ENTERPRISE,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

**JURY TRIAL DEMANDED**

Defendant EAN Holdings, LLC (“EAN”) files this Notice of Removal under 28 U.S.C. §§ 1332, 1441, and 1446, thereby removing this case from the District Court for Tulsa County, Oklahoma to the United States District Court for the Northern District of Oklahoma. This action is removable based on the Court’s diversity jurisdiction under 28 U.S.C. §§ 1332, 1441(b) because complete diversity of citizenship exists between Plaintiff and the only remaining Defendant, EAN, and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and cost. In further support, Defendant EAN respectfully shows the Court as follows.

**A. Underlying State Court Action**

1. On June 4, 2020, Plaintiff filed the lawsuit styled *Tia Williams v. Christopher Rathgeber; Teresa Annett Smith; and EAN Holdings, LLC d/b/a Enterprise Rent-A-Car, d/b/a Enterprise*, Case Number CJ-2020-01784, in the District Court for Tulsa County, State of Oklahoma (the “State Court Action”). Plaintiff asserts in her Petition, in relevant part, that Defendant EAN is guilty of negligent entrustment, negligence, and gross negligence by virtue of

renting a vehicle to Defendant Christopher Rathgeber (“Rathgeber”). The face of the Petition seeks damages “in a sum in excess of the amount required for diversity jurisdiction.”

**B. Diversity Jurisdiction Exists**

2. This action is removable under 28 U.S.C. §§ 1332 and 1441, because the federal courts have original jurisdiction over all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States.

3. Plaintiff is a citizen of the State of Oklahoma.

4. Defendant EAN, an unincorporated entity, is a limited liability company organized under the laws of Delaware. A limited liability company is, for diversity purposes, a citizen of the states where its members are citizens. *Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1234, 1237-1239 (10th Cir. (Okla.) 2015) (“like every other circuit to consider this question, this court concludes an LLC, as an unincorporated association, takes the citizenship of its members”), *see also Carden v. Arkoma Assocs.*, 494 U.S. 185, 180 (1990). The sole member of EAN is Enterprise Holdings, Inc. (“EHI”). EHI is a corporation formed under the laws of the State of Missouri with its principal place of business in St. Louis, Missouri. For diversity purposes, EAN is for a citizen of the State of Missouri.

5. The face of the Petition demonstrates that the amount in controversy exceeds \$75,000.

**C. Procedural Requirements for Removal Are Met**

6. This Notice of Removal is timely under 28 U.S.C. § 1446.

7. “[I]f the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a

copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.” 28 U.S.C. § 1446(b)(3).

8. At the time Plaintiff’s Petition was filed on June 4, 2020, this action was not removable under 28 U.S.C. § 1446.

9. Plaintiff dismissed her claims against Defendant Teresa Annett Smith on January 6, 2021.

10. Plaintiff dismissed her claims against Defendant Rathgeber on January 8, 2021.

11. Defendant EAN’s Notice of Removal is timely filed since it is filed within 30 days of after Defendant EAN received notice of Plaintiff’s dismissal of Defendant Teresa Annett Smith and could first ascertain that this case had become removeable.

12. Further, Defendant EAN’s Notice of Removal is timely filed since it is filed less than 1 year after commencement of the action. *See* 28 U.S.C. § 1446(c)(1).

13. Venue is proper in the Northern District of Oklahoma under 28 U.S.C. § 1441(a) because the District Court for Tulsa County, Oklahoma (where the State Court Action is pending) is located in this District.

14. Defendant EAN has concurrently filed a copy of this Notice of Removal with the clerk of the court where the State Court Action is pending.

15. Defendant EAN also will provide Plaintiff with written notice of the filing of this Notice of Removal.

**D. Local Civil Rule 81-2**

16. Exhibits **A-T** are attached in compliance with Local Civil Rule 81-2.

**Exhibit A** – Plaintiff’s Petition  
**Exhibit B** – Proof of Service on Defendant Smith  
**Exhibit C** – Proof of Service on Defendant EAN  
**Exhibit D** – Entry of Appearance by Mr. James for Defendant EAN  
**Exhibit E** – Answer of Defendant EAN  
**Exhibit F** – Entry of Appearance by Mr. Pettigrew for Defendant Smith  
**Exhibit G** – Answer of Defendant Smith  
**Exhibit H** – Entry of Appearance by Ms. Erwin for Defendant Smith  
**Exhibit I** – Entry of Appearance by Ms. Lewis for Defendant Smith  
**Exhibit J** – Motion for Extension of Time to Serve Defendant Rathgeber  
**Exhibit K** – Special Appearance and Request for Enlargement of Time to Answer by Defendant Rathgeber  
**Exhibit L** – Order (filed Nov. 24, 2020)  
**Exhibit M** – Order Granting for Extension of Time to Serve Defendant Rathgeber  
**Exhibit N** – Answer of Defendant Rathgeber  
**Exhibit O** – Notice of Change of Address by Counsel for Defendant Smith  
**Exhibit P** – Dismissal of Defendant Smith  
**Exhibit Q** – Notice of Change of Address by Counsel for Defendant EAN  
**Exhibit R** – Dismissal of Defendant Rathgeber  
**Exhibit S** – A copy of the state court docket sheet  
**Exhibit T** – A copy of the Notice of Filing Removal to be filed contemporaneously in the District Court of Tulsa County, State of Oklahoma.

17. Pursuant to Local Civil Rule 81-2, Defendant EAN is filing a separate Status Report on Removed Action.

18. Defendant EAN reserves the right to amend or supplement this Notice of Removal.

19. By removing this action to this Court, Defendant EAN does not waive any defenses, objections, or motions available under state or federal law.

WHEREFORE Defendant prays that the United States District Court for the Northern District of Oklahoma accept this Notice of Removal, that it assume jurisdiction of this cause, and that it issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

Respectfully submitted,

s/ Paige N. Shelton

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 5, 2021, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Robert L. Rode, The Rode Law Firm, Attorney for Plaintiff

David C. Bean, The Rode Law Firm, Attorney for Plaintiff

Teofilo A. Diaz, The Rode Law Firm, Attorney for Plaintiff

This is to certify that on February 5, 2021, a true and correct copy of the foregoing document was mailed via first class mail, postage prepaid, addressed as follows:

Robert L. Rode

David C. Bean

Teofilo A. Diaz

The Rode Law Firm

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Tulsa, OK 74119

*Attorneys for Plaintiff*

s/ Paige N. Shelton

Paige N. Shelton